

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
	)	
<b>v.</b>	)	<b>CRIMINAL No. 2:13-CR-165-DBH</b>
	)	
<b>DOWEN PHILLIPS,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**PROCEDURAL ORDER**

The defendant has requested the return of seized property, both currency and other unidentified property. Mot. for Return of Property (ECF No. 57). The government has responded that the currency was seized by a state agency (Maine Drug Enforcement Agency), not the federal government, and asserts that this court has no jurisdiction over the money as a result. Gov't Response to Mot. for Return of Property (ECF No. 60). But it also cites a case, United States v. Ocampo, No. 06-20172, 2009 WL 3617987 (E.D. Mich. Oct. 30, 2009), that says there is jurisdiction if the state agency seized property pursuant to a federal search warrant. It does not appear from the record when the money was seized and whether any federal authority was involved in the seizure of the money here, and the government has not addressed the issue of other property that may have been seized from the defendant.

Accordingly by October 10, 2014, the government shall file a supplemental response addressing those issues.

**SO ORDERED.**

**DATED THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2014**

\_\_\_\_\_  
/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**